

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID BALDUS PHILLIPS,

Petitioner,

vs.

JACK PALMER, et al.,

Respondents.

Case No. 3:09-CV-00377-RCJ-(VPC)

ORDER

Respondents have submitted a motion to dismiss (#16), in which they argue that petitioner has not exhausted the available state-court remedies for all of his grounds for relief. Respondents rely in large part upon the appellant's opening brief filed with the Nevada Supreme Court in the appeal from the denial of petitioner's state habeas corpus petition. See Ex. 234 (#24-56). However, the copy of the brief in the court's docket is missing pages 11, 12, 13, and 23. The court cannot evaluate the parties' arguments without those pages. Respondents will need to resubmit a copy of that brief.

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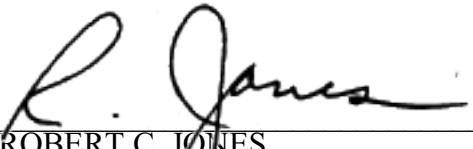
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1 IT IS THEREFORE ORDERED that respondents shall resubmit the appellant's opening brief
2 filed with the Nevada Supreme Court in the appeal from the denial of petitioner's state habeas corpus
3 petition, currently in the docket as respondents' exhibit 234 (#24-56), within fourteen (14) days from
4 the date of entry of this order.

5 Dated: This 11th day of August, 2010.

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8 ROBERT C. JONES
9 United States District Judge
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